

THE
CINEMA AND THE PUBLIC

A Critical Analysis of the Origin,
Constitution and Control of the
"BRITISH FILM INSTITUTE"

By
WALTER ASHLEY, M.A.

IVOR NICHOLSON AND WATSON LIMITED
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A Critical Analysis of the Origin,
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"BRITISH FILM INSTITUTE"

*(Communicated to the Rt. Hon. Stanley Baldwin, M.P.,
Lord President of the Council)*

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1934

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PREFACE

THE Cinematograph Fund, which is made up of part of the receipts at Sunday cinemas, has now been in existence for a year ; and a decision by the Privy Council regarding the use to which it is to be put is believed to be imminent.

The analysis which follows of the origin, constitution and control of " The British Film Institute " (which has applied to the Privy Council for a substantial grant) is self-explanatory and fully documented. The reader may find it convenient, however, to be made acquainted at the outset with the main conclusions to which it has led. I accordingly give them here in brief, while asking the reader to take none of them on trust but to examine for himself the facts on which they are based, and which are set out on the succeeding pages.

1. At the time, in the summer of 1932, when the Sunday Entertainments Bill was being considered by Parliament, a " Commission on Educational and Cultural Films " issued a report advocating the establishment of a National Film Institute. It was to have

a Royal Charter and State-appointed governors, complete independence of control by the cinema trade, and wide powers over the whole realm of cinematography comparable to those exercised by the B.B.C. in the realm of wireless. It was a proposal which, although it was too ambitious and suffered from other grave defects, had also obvious merits ; and it was on the whole favourably received. *It was strongly opposed, however, by nearly all the leaders of the film trade.*

In October, 1933, representatives of the film trade and the same “ Commission ” set up and registered a body called “ The British Film Institute,” which, although it has been frequently confused with the National Film Institute proposed a year previously, bears little resemblance to it. On the contrary, its registered Constitution, on analysis, shows that it has governors appointed not by the State or some independent authority but by the cinema trade and the “ Commission,” a large measure of control by the cinema trade, and very restricted powers. *In this form, it received the warm support of nearly all the leaders of the film trade.*

2. Parliament and the interested public required, not a new body to deal with class-room films—to which, as a result of restrictive clauses secured by the cinema trade in its Constitution, the “ British Film Institute ” is mainly confined—but one to deal with the vast output of *entertainment films* which are exhibited each week to twenty million people in every corner of the country. The urgent need for raising the character—

artistic, moral, intellectual and purely entertainment—of this vast output was, in fact, the predominant consideration which moved Parliament, by a small majority and almost in despair, to establish the Cinematograph Fund.

3. “ The British Film Institute,” being thus (*a*) largely under the control of the cinema trade and (*b*) powerless to exert any effective influence over the vast mass of entertainment films, can scarcely have any reasonable claim on a Fund set up with public money and intended by Parliament first and foremost for raising the standard of the average programme in the average cinema.

It is, I need hardly add, perfectly legitimate for the cinema industry to safeguard its own interests. The interests of the public must, however, be paramount. That so fine an opportunity of building up a really independent and representative organisation, which might have proved of real value to it, has thus been completely missed will surely, once the facts are fully realised, be widely deplored.

The CINEMA *and the* PUBLIC

To the Rt. Hon. STANLEY BALDWIN, M.P., *Lord
President of the Council.*

I.

THE CINEMATOGRAPH FUND.

My LORD PRESIDENT,

The Cinematograph Fund set up under The Sunday Entertainments Act, 1932, has now been in existence for a year ; and the Privy Council, which was charged with its administration, will no doubt shortly be considering the allocation of the money which has already accumulated.* As some of the problems involved are of considerable public importance, I am venturing respectfully to lay before you a number of facts and considerations regarding them.

The Fund, you will recollect, was set up under Clause 2 of the Act “ for the purpose of encouraging the use and development of the cinematograph as a

* The figure which you gave in the House of Commons on November 30th, 1933, was £2,480 12s. 2d., and this will no doubt by this time have been considerably augmented by subsequent payments by local authorities out of Sunday cinema receipts. It has been estimated that something like £8,000 will ultimately be available for the Fund each year

means of entertainment and instruction ” ; and was to be made up of a certain proportion—not to exceed 5 per cent., and subsequently prescribed at that figure by the Home Secretary—of such amounts as the various local licensing authorities might decide should be allotted to charity out of the receipts at Sunday cinemas.

At the time the Fund was established, there were many, both inside Parliament and outside, who were convinced that the time had come, if it were not indeed overdue, for this vast form of entertainment—the Cinema—with its twenty million attendances every week in the British Isles,* and its great and growing influence, particularly over the immature, to be in some way freed from a control which had, from its beginning, been almost exclusively commercial, and directed more in accordance with the interests of the nation as a whole. By almost all of these—however greatly their views differed regarding the Act’s other Clauses, or indeed its general purpose—the establishment of a special Government-supervised Fund for this purpose was warmly welcomed. It seemed to afford the Privy Council, whose administration of similar funds for medical and scientific research had already raised those activities on to a new level of public usefulness, a fine opportunity to give the cinema the same sort of new national and constructive orientation.

As to the most effective organisation, or group of organisations, through which this might be done ; as to whether such organisation or organisations already existed, or would have to be created, and, if so, in what form and under what control, there was, and still is, great difference of opinion.

* The figure given by Mr. Simon Rowson, President of the British Kinematograph Society, in a recent address to the Royal Empire Society. The amount paid by the public each year into the cinemas of Great Britain alone, he said, was approximately £43,000,000.

At the time the Sunday Entertainments Bill was before Parliament, a number of persons associated in a " Commission on Educational and Cultural Films " had just issued a report advocating the setting up of a body called a National Film Institute, with a Royal Charter, State-appointed governors and wide powers over the whole realm of cinematography comparable to those exercised by the B.B.C. in the realm of wireless*; and for this ambitious proposal secured the support of certain members of Parliament as well as of a section of the Press. This particular scheme has, as a result, taken a prominent part in the subsequent discussions, and you will therefore perhaps allow me to examine it in some detail.

* See pages 152-155 in the Commission's report, *The Film in National Life*. Both Professor J. L. Myres, D.Sc., D.Litt., its Vice-Chairman, and Colonel John Buchan, C.H., M.P., its chief spokesman in the House of Commons (*Parliamentary Debates*, Vol. 267, No. 122, Col. 1838), referred to the B.B.C. as a model of the kind of organisation they had in mind.

II.

THE PROPOSAL FOR A NATIONAL FILM INSTITUTE.

1. ITS FIRST RECEPTION.

The proposal in its original form, as developed in this Commission's report and discussed by Parliament, although it was in many respects too ambitious, had much to recommend it. Some kind of central independent body concerned with cinematography in all its aspects and its development along the best lines had, for some time, seemed to many highly desirable. This country was, as the Commission stated, almost alone in not having some such central organisation. Above all, while all independent observers were agreed that an indispensable basis for any such Institute was, as the Commission insisted,* "*indisputable commercial disinterestedness*," this seemed to be assured by the form of constitution which it recommended, and particularly by its insistence that the Institute's Board of Governors should be appointed by the State†, and that its income should be "demonstrably independent of outside financial influence."‡

The Commission, it was understood, had given some two years to its deliberations ; it included, it was stated by its Chairman, "representatives of nearly all the

* Throughout their report and in many public statements—e.g., in two letters from their Secretaries to the Editor of *The Times* in August, 1932.

† See page 155 in the Commission's report.

‡ See page 151 in the Commission's report.

principal educational and cultural agencies in the kingdom"* ; its recommendations regarding so important a matter were, at the least, worthy of serious consideration.

It is not perhaps surprising, therefore, that its main proposal—the setting up of a National Film Institute—should, at its first enunciation and before either members of Parliament or writers in the Press had had time to consider it in detail, have met with a large measure of support ; nor yet that the first Debate in the House of Commons in which it was discussed† should, while advertising many of its merits, have failed to reveal its grave defects.

2. FOUR SERIOUS DEFECTS.

Later Debates in the House of Commons,‡ however, and particularly in the House of Lords,** together with a more careful study of the report and its many implications, did a substantial amount, as you will remember, to modify these first impressions ; and more recent events (to which I will presently refer), in so far as Members of Parliament and the public at large have been aware of them—and of many of them, including some of the most potent, they are not yet fully aware—have done much more.

1. In the matter of those *Institutes in other countries*, for example, to which the Commission and its spokesmen in Parliament had referred with so much approbation, it was discovered that the Commission had not sent out to any of these

* Letter from Sir Benjamin Gott in *The Times*, May 7th, 1932.

† On May 27th, 1932. See *Parliamentary Debates*, Vol. 266, No. 99, Cols. 744–802.

‡ E.g., that on June 29th, 1932.

** Those on July 4th, 6th and 7th, 1932.

countries for first-hand information regarding their operation, but had, admittedly, based its conclusions concerning them on extracts from back numbers of the *International Review of Educational Cinematography*; that, in fact, in both Russia and Italy,* the State was using the Institutes for its own propagandist purposes—the Commission itself stated that Mussolini used it effectively; while in Russia, as the Archbishop of Canterbury reminded the House of Lords,** it was used to teach the children that there is no God; and, further, that the combined influence of all these Institutes together was completely ignored by those Hollywood producers who still supplied 70 per cent. of all the entertainment films shown in this country.

2. A careful examination, again, of the Chapter in the Commission's report on *Film Censorship*—a matter in which large numbers of clergy, social workers, teachers and others are acutely interested—revealed a bewildering jumble of out-of-date statistics on the one hand,† and, on the other, of academic generalisations altogether divorced from reality‡; while leaving the reader at a loss to know whether, in the opinion of the Commission, the present system of a trade censorship was a good one which the Institute should leave severely alone, or a bad one which the Institute must hasten to modify by some form of Certification of its own—a kind of super-censorship—such as could hardly fail sooner or later to take its place.

* The same is now true of Germany.

** On July 6th, 1932.

† E.g., those regarding the proportion of "A" and "U" films given on p. 37.

‡ E.g., the reference to the treatment of "sex subjects" on p. 35.

3. Moreover, to those many (of whom I was one) who were not themselves educationalists, who approached the cinema not from the educational but from the moral, artistic, intellectual or purely entertainment* angle, the report and the particular form of Institute idea to which it gave expression, appeared, as time went on, more and more *lopsided towards the purely educational (and, in fact, mainly class-room) side* ; of less and less value, if not of actual danger, to those wider aspects of cinematography in which they themselves—and, they were convinced, the public at large—were principally interested. A group of educationalists such as made up the Commission might well, they felt, consider ways in which the cinema might be more or better used in schools or at adult lectures ; and, if they thought it desirable, recommend the setting up of a small institute for these specifically (and largely domestic) educational aims—so long as they did not expect to use public money for the purpose. But such a limited group was, they could not but feel, scarcely competent to establish a great National Film Institute, a kind of “cinema B.B.C.,” with vast powers over the whole cinema world—even on the doubtful assumption that any such all-embracing body were desirable.

4. Further, even in the educational and scientific world, doubts soon began to arise regarding the *Commission's status* and the extent of the support behind it. Was it really the widely representative body it was thought to be ? To what extent (apart, possibly, from an initial gesture of sympathy with

* The word “*entertainment*,” it should be noted, is not only specifically mentioned in the clause of the Act setting up the Cinematograph Fund, but given precedence over “*instruction*.” Compared with the influence of the constant flow of long entertainment or “feature” films, that of the occasional educational film is, of course—as Parliament fully realised—negligible.

its good intentions) had all the “educational, scientific and social organisations” mentioned at the end of its report*, by its Chairman in his letter to *The Times*,† and in several important instances in Parliament** as having appointed representatives to serve on it or in some other way “accorded their support,” really done so? How far were they, in fact, responsible for its report? Direct enquiry of forty of those mentioned at the end of the report* including some of the most influential, revealed that only *seven* of these forty were officially represented on the Commission, and that only *two* of them had approved its report.

The *Royal Society*, for example, was one of the great public bodies specifically mentioned in Parliament as behind the Commission.‡ Two months after its report had been issued, the Assistant Secretary of the Royal Society wrote:—

“The Royal Society was not officially represented on the Commission on Educational and Cultural Films, and the report of the Commission has not been received.”§

The Clerk to the *London County Council* wrote, when the Report had been out nearly three months:—

“The Council did not appoint representatives to serve on the Commission or to give evidence on its behalf. The report and the recommendations of the Commission have not been approved

* Pp. 158–160.

† May 7th, 1932. The Commission, he stated, “includes representatives of nearly all the principal educational and cultural agencies in the kingdom.”

** E.g., by Mr. Law, M.P., on June 14th, 1932 (*Parliamentary Debates*—House of Commons—(Standing Committee B)—Col. 101.)

‡ E.g., by Captain Loder, M.P., on June 29th, 1932. (*Parliamentary Debates*—House of Commons—Vol. 267, No. 122, Col. 1845.)

§ Letter dated July 26th, 1932.

by the Council, and the adoption of this course is not proposed.”†

The Secretary of the *Empire Marketing Board* wrote about the same time :—

“ We were not officially represented on the Commission, and it is not for us to give any official approval or disapproval of the report itself, as we were in no way connected with its preparation.”‡

Thus, the particular form of National Film Institute which the Educational Commission had advocated and which had at first appeared to some so attractive, had already revealed four serious defects ; (1) that many of the similar Institutes in other countries referred to as models did, in fact, more harm than good ; (2) that the Institute, in the form recommended, was more likely to avoid than to face one of the problems which, to many religious and social workers and others, was of special urgency—that of film censorship ; (3) that the Institute, as planned by a group of educationalists, was, perhaps inevitably, lopsided on the educational (and particularly the class-room) side, as distinct from the moral, artistic, intellectual and purely entertainment sides ; and (4) that the limited group of educationalists concerned could not be rightly regarded as representing more than a small part even of their own educational world, let alone of that far wider “ educational, scientific and social ” world for whom they were at first thought to be speaking.

† Letter dated August 18th, 1932.

‡ Letter dated August 25th, 1932.

3. GOVERNMENT'S ATTITUDE.

Some of these defects, if not all of them, became apparent, as has been said, in the course of the later Parliamentary Debates ; and that you, Sir, and your colleagues in the Cabinet were conscious of them is shown by the following significant succession of events :—

May 27th, 1932 : Mr. Oliver Stanley, Under-Secretary of State for Home Affairs, welcomed a proposal made by Colonel John Buchan, M.P., in the House of Commons, that a certain proportion of the receipts at Sunday cinemas should be set aside to finance a *National Film Institute* on the lines outlined by the Commission on Educational and Cultural Films.*

June 14th, 1932 : Sir Herbert Samuel, Secretary of State for the Home Department, during a discussion by Standing Committee B., asked for an amendment to the above effect to be withdrawn, and suggested in its place a clause whereby the money would be paid to the Privy Council and then allotted by them, *either to the institute or to others, for the development of films for educational and cultural purposes.*†

June 29th, 1932 : Mr. Stanley moved a clause on Report to the effect that the money should be paid into a Cinematograph Fund to be administered by the Privy Council, and applied, not necessarily either to the Institute or to any other organisation concerned with educational or cultural films, but,

* *Parliamentary Debates*—House of Commons—Vol. 266, No. 99, Col. 799.

† *Parliamentary Debates*—House of Commons (Standing Committee B)—June 14th, 1932, Cols. 104–107.

generally, as seemed good to the Privy Council, “*for the purpose of encouraging the use and development of the cinematograph as a means of entertainment and instruction.*”*

July 7th, 1932 : Viscount Hailsham, Secretary of State for War, in a reply to the Archbishop of Canterbury in the House of Lords, stated :—

(a) “ It ” (the Fund) “ is not to be specially earmarked for a proposed film institute ; it is to be available for all concerned in the development of the industry Whether it ” (the film institute) “ will get any such assistance will depend on the nature of its constitution and the nature of the work it is performing.”

(b) “ Quite obviously, if the film institute is constituted and if it is to have a public character, it will be necessary that its constitution and powers should be submitted to Parliament, because you cannot set up a public body without public assent through Parliament.”

(c) “ We are in no way committing ourselves to a film institute whose existence, powers and character are at present unknown The position is that, under Clause 2, a Fund is to be administered by the Privy Council *for the purpose of the improvement of films and of the character of cinema entertainments.* We are not in any way proposing to give this money to the film institute, if such Fund comes into being, nor

* *Parliamentary Debates*—House of Commons—Vol. 267, No. 122 Cols. 1,824–1,831. That Parliament itself had already grave doubts regarding the whole proposal, even in this wider form, was made clear during this Debate, and by the eventual small majority of 18 (Ayes, 186 ; Noes, 168) by which the Fund was established (Col. 1870).

are we pledged as to the character that the film institute, if it ever exists, will assume.”*

4. HOPES OF RECONSTRUCTION.

Each of the four main defects of the proposed Institute which I have detailed was, it will be seen, serious ; and there were some who regarded one or more of them as insurmountable. Others (including myself), still convinced that the Institute scheme, for all its faults, did seem to provide one possible basis for building up something of real value, believed that each of these defects, however serious, might, given a spirit of co-operation, be ultimately overcome. Care, for example, might be taken, not to follow, but to avoid the unfortunate examples of many foreign Institutes ; public opinion, deeply concerned in the problem of censorship, might insist on the Institute facing instead of running away from it ; the scheme’s marked lopsidedness on the class-room side might gradually be corrected ; whilst steps might at the same time be taken to see that the educational world as a whole and not merely a small section of it were itself (together with all the other more general interests) adequately represented.

None of these remedies could have been easily effected. But all, or almost all, of them might have been achieved sooner or later—*on one assumption : that, whatever necessary changes were made, the Institute was afforded and retained that “ indisputable commercial disinterestedness ” on which its promoters had rightly insisted.* An Institute built on that firm basis, and securely tied to it by the appointment by the State (or some recognised public authority) of distinguished independent governors, might survive almost any initial

* *Parliamentary Debates*—House of Lords—Vol. 85, No. 72, Cols. 656–7.

disability, overcome almost any obstacle. Such, at least, was the hope of those of us who clung to the central idea of the Institute, in spite of its grave deficiencies, and were prepared to co-operate to bring it about.

III.

“THE BRITISH FILM INSTITUTE.”

1. ATTITUDE OF THE FILM TRADE.

Unfortunately, all such hopes have been shattered by the events of the last eighteen months. The “British Film Institute” which has now been set up, while retaining all the defects, has abandoned almost all the redeeming features of the National Film Institute of June, 1932, *including that one feature which made even its worst defects appear to some not insurmountable—absolute independence.*

The National Film Institute outlined by the Educational Commission in their report was to have a Royal Charter and State-appointed governors ; and entire independence of commercial control. The “British Film Institute”* now in being has governors appointed not by the State but by the film trade and a small group of educationalists ; and is, to a large extent, as I will show, under the control of commercial interests. Moreover, *its registered constitution itself makes it certain that it shall always remain so.*

When the Educational Commission brought forward its original proposal, it met with widespread

* In Scotland, which is far ahead of England in these matters, all the film societies and educational and other bodies concerned with the cinema are actively engaged in creating a *Scottish Film Federation*. It is hardly to be expected that they will agree to sacrifice their independence and initiative in order to become an offshoot of the “British Film Institute” ; still less that they will allow themselves to be stampeded into such a course by the statement of Mr. J. W. Brown, its general manager, at one of their recent meetings (reported in *The Glasgow Herald*, January 15th, 1934), that, “if they formed an entirely independent Scottish film institute, the British Film Institute would probably be forced to form Scottish branches.”

antagonism from the various sections of the film trade. Neither of the two great trade bodies—the Cinematograph Exhibitors' Association and the Kinematograph Renters' Society—was represented on the Commission. Many of the leading men in the industry expressed their strong antipathy to the activities of a group of educationalists, whom they characterised as “ busy-bodies ” or “ uplift merchants ” with no real knowledge of the great industry in which they were interfering. It was assumed by the trade, with some justification at first, though less and less as time went on, that the proportion of Sunday cinema receipts paid into the Cinematograph Fund would inevitably be used to finance the Institute ; and it was commonly referred to by the trade journals as “ the uplift tax.” No responsible leader in the Industry would deny that, at that time, the film trade, taken as a whole, was vigorously, even bitterly, opposed to the whole proposal.*

There were exceptions—notably Mr. Simon Rowson, President of the British Kinematograph Society, who, in two important letters in *The Times*†, expressed the view that some kind of film institute might be useful to the trade, no less than to other allied interests. But even he insisted that any such Institute, if set up, must be controlled by the trade itself. The Secretaries of the Commission replied, rightly, that the only possible Institute was an entirely independent one, “ established under Royal Charter or other public authority,” on which, not one, but all interests should be represented ;

* See, for example, this reference in a leading article in *The Cinematograph Times* (the official organ of the Cinematograph Exhibitors' Association) for January 27th, 1933 : “ When the idea was originally mooted during the discussions on the Sunday Entertainments Bill, it aroused hostility from the trade because it emerged from an “ uplift ” cloud. The proposal was objected to by the trade.”

† Letters dated August 3 and August 10, 1932.

this being, they added, " the only security against the predominant advocacy of particular interests."*

2. CONSTITUTION : RESTRICTIONS SECURED BY TRADE.

Six months later, the Cinema Industry, speaking generally, was as enthusiastically for the proposal as it had previously been against it. What was the reason for this astonishing *volte face* ? It was, of course, desirable to secure the goodwill and, if possible and with every necessary safeguard, the active co-operation of the film trade—no Institute could hope to do useful work without at least a measure of these things. No one, not even their most vehement critics, envied the Educational Commission the task, on which they set out in the autumn of 1932, of securing it. But the price paid for this, as for any other kind of co-operation, can be too high.

Here are four of the conditions successfully insisted upon by the trade during the subsequent conferences, which took place in one of its own offices, and at which the Institute's Constitution and Articles of Association were drawn up, as the price of its conversion. That Constitution and these Articles have now been registered under the Companies Act, 1929 ; and are permanently binding. I will first set out these conditions in brief, and then examine them in more detail. (The clause in the Institute's Memorandum of Association and those of its Articles of Association from which I quote will be found in full in the appendices at the end of this volume.)

Condition 1. FILM INDUSTRY: " The Institute shall neither seek to control nor attempt to interfere with purely trade matters in the Film Industry."†

* Letter in *The Times* dated August 17, 1932.

† Memorandum of Association of the British Film Institute—Section III.

*Condition 2. CENSORSHIP: "The Institute shall neither seek to control nor attempt to interfere with the censorship of films for public entertainment."**

Condition 3. GOVERNORS. (a) Three of the Institute's governors—the first three in order of precedence in the Articles—shall be nominated "by the Cinematograph Exhibitors' Association, the Kinematograph Renters' Society and the Federation of British Industries"† and "shall retain office for such period as those bodies respectively shall determine,"‡ i.e., not retire annually, as in the case of the three governors who are supposed to represent "public interests"§ and not, like them, removable by resolution at any General Meeting of the Institute.¶

(b) These three governors representing the film trade, together with three representing the Educational Commission, shall, in the first instance, "forthwith co-opt three other persons to represent public interests,"† i.e., the latter shall not be appointed by the Government or by any independent public authority, but by the six film-trade-Educational-Commission governors already in office.

*Condition 4. CHAIRMAN: These nine governors shall in the first instance "co-opt a Chairman of the Council" †(who shall also be Chairman "at all meetings of the Institute"**) and subsequently appoint or re-appoint him each year††—i.e., he shall not be appointed by the Government or by any independent public authority, or even by the Institute's*

* Memorandum of Association of the British Film Institute—Section III.

† Articles of Association of the British Film Institute—Article 20.

‡ Article 21.

§ Articles 21 and 29.

** Article 74.

¶ Article 27. See also Article 26. †† Article 25.

members, but by governors two-thirds of whom are irremovable save by their own organisations.

Condition 1—the exclusion of all “purely trade matters”—is, taken alone, enough to sterilise the Institute at the outset, since every cinema problem must sooner or later affect the film trade in one way or another and can, if desired, be interpreted by the trade, or its representatives among the governors, as a “purely trade matter.” It is true that three or more of the other governors, if they agree to question such an interpretation, can do so ; but this involves an elaborate process of Legal Arbitration* which is unlikely to be invoked, except as an extreme measure which could hardly fail to break up the Institute. In regard to the vital matter of *feature films*, for example, these non-trade governors, with their limited experience, must, if they are not to split up the Institute internally, leave them entirely to the highly-experienced producers of such films, and thereby confine the Institute’s chief activities to *films for the class-room*—which is largely a domestic problem for teachers and is certainly not the problem Parliament had principally in mind.

Condition 2—the exclusion of any attempt to interfere with film censorship—debars the Institute from the very beginning from dealing with the one problem which to many—including, on the one hand, those who regard the cinema as a new art-form requiring the largest possible measure of freedom, and, on the other, large numbers of clergy and social workers who think it already has too much— is the most important and most urgent of all cinema problems.† Alike for those who regard the present censorship system as too strict‡ or

* Section III in the Memorandum of Association.

† Many of them are, of course, not so much concerned with the machinery of censorship as with the more fundamental problem of the film standards which should govern all censorship.

‡ E.g., many members of *Film Societies*.

as insufficiently strict†; for those who favour some form of State censorship, a censorship by an independent body, or a modified form of the present trade censorship; and for those, including many important women's associations and other public bodies,** who, while giving their general support to the present system, wish to see it strengthened by a greater sense of responsibility on the part of local licensing authorities—for all these alike, *the Institute has already*, by this clause in its Constitution, *rendered itself completely impotent*. I express no opinion regarding any of these varied and often contradictory points of view, but merely state that, to all of them equally, *the Institute can only afford a false sense of security*. For, although they may imagine that, now it is in being, there is no longer any need for their own activities, they may not be aware that the Institute can neither deal with any complaints nor give any advice nor even answer any question regarding any of these problems, but can only place all such communications in its capacious waste-paper basket.

† E.g., *the Edinburgh Cinema Inquiry Committee*, who sent a deputation to the Under-Secretary for Scotland a few days ago to urge a Departmental Inquiry into the whole question of film censorship. The deputation (according to *To-day's Cinema*, January 9th, 1934), included representatives of the Church of Scotland, the Educational Institute of Scotland and the Edinburgh Juvenile Organisations Committee. Scotland, realising some of the insurmountable limitations of the "British Film Institute" in this and other directions, is wisely preparing to cut itself off from its operations by setting to work to build up a Federation or Institute of its own. But the same restrictions apply to the similar Cinema Inquiry Committees, and particularly to the National Cinema Inquiry Committee, which have similar objects in England. Sir Charles Grant-Robertson, the Chairman of the last-named Committee, has recently expressed his view that *the limitation of the Institute's purposes and its practical absorption by the trade have very seriously diminished its independence and value*.

** E.g., The National Council of Women, The Mothers' Union, The National Federation of Women's Institutes and the Public Morality Council.

Under *Condition 3—that concerning the Institute's governors*—the Cinematograph Exhibitors' Association has appointed Mr. T. Ormiston, C.B.E., M.P., their Honorary Treasurer, as one governor ; the Kinematograph Renters' Society has appointed Mr. F. W. Baker, a leading distributor and Managing Director of Butcher's Film Service, as another ; and the Film Group of the Federation of British Industries has appointed Mr. C. M. Woolf, Managing Director of the Gaumont-British Cinema Corporation as a third—three of the most active and experienced leaders in the Industry. Since it is unlikely that any of these three associations will wish to remove any of them from their position as governors of the Institute—and they cannot, by the Articles quoted above, be removed in any other way—their appointments—unlike those of the governors who are supposed to represent “ public interests ”—must be regarded as, to all intents and purposes, permanent.

Contrast the authority and permanent position of these three film trade governors with (a) the doubtful and circumscribed authority, of the three governors appointed by the Educational Commission (which has already gone out of existence), and with (b) the temporary and circumscribed authority of the three who are supposed to represent “ public interests ” :

(a) With regard to the first of these, not even their most fervid admirers would maintain that the three gentlemen in question—Mr. A. C. Cameron, M.C., M.A., Mr. R. S. Lambert, M.A., and Sir Charles Cleland, K.B.E., LL.D., M.V.O.—public-spirited as they are, occupy positions in the great educational world in any way comparable with those occupied by their three film trade colleagues in the cinema industry, or can speak with anything

approaching the same authority on behalf of educationalists as a whole as that with which those colleagues can speak on behalf, respectively, of cinema exhibitors, distributors and producers. Moreover, their authority has been severely confined by the restrictive clauses in the Constitution mentioned above.

(b) As for the three governors who are supposed to represent "public interests," they are the only ones that have, by the Constitution, to retire annually; the only ones, too, that may be removed by the members at any General Meeting. Their position is therefore—compared with that of the three trade representatives and, to a lesser extent, that of the three representatives of the Educational Commission—insecure and also, it might be thought, invidious. Moreover, the three now in office—Colonel John Buchan, C.H., M.P., Mr. J. J. Lawson, M.P., and Lady Levita—were not even appointed by a General Meeting of members but *by the other six governors*. They have, that is, not been appointed by the State or by any independent authority or even by the members of the Institute, but by two interested groups who had already arranged that they should themselves provide all the other governors. They can hardly be said, thus appointed, to represent "public interests." It is true that in subsequent years they, or their successors, will be appointed by the members of the Institute. But they will then represent, not the members of the public but *the members of the Institute*—a large proportion of whom are engaged in the cinema trade, either as individuals or as branches of trade organisations—which is by no means the same thing. Meanwhile,

they can only represent the same two groups as the six governors who have appointed them—namely, the film trade and the Educational Commission. It is not easy to understand how three such distinguished persons should have accepted so anomalous a position.

None of the other public interests concerned with the cinema—artistic (e.g., the Federation of Film Societies*), religious (e.g., the Churches), moral (e.g., the various Cinema Enquiry Committees), critical (e.g., the film critics), scientific (e.g., the great learned bodies)—nor yet the vast body of cinema-goers have any representation on the governing Council.† Further, even if the three governors who are said to represent “public interests,” were at once more representative and more independent, their hands have been firmly tied behind their backs by a Constitution agreed upon by the two groups who appointed them, including such completely stultifying clauses as those I have mentioned above.

Condition 4—that concerning the Chairmanship— means that the Chairman both of the governing Council and of the Institute is not only, like the three governors

* Which federates the activities of the many local Film Societies, which have been doing useful, if unostentatious, work for some years, and whose number is constantly growing. The “British Film Institute,” in its proposal to start local “Film Institute Societies” all over the country, is merely proposing to duplicate work which is already being done efficiently by others of greater experience and far greater independence.

† To invite a number of Societies and well-known individuals to form an “Advisory Council,” with no kind of control over or responsibility for the management of the Institute and whose advice may be ignored, in no way modifies, let alone removes, this fundamental defect. It is to be hoped that no such individuals or Societies will consider accepting such an invitation without first making full enquiries in the light of the facts herein related.

just referred to, appointed by the governors themselves for the first year, but for every year. Not even the Institute's members will have anything to do with the appointment in his case.

It may also be noted here that an ex-President of the Cinematograph Exhibitors' Association* acted as *Secretary pro-tem* to the Institute for nine months before it was officially founded and has since become its *permanent Secretary*; that, during the greater part of 1933, the trade housed the embryo Institute in one of its own buildings; and that, during the last few months, it has twice made it loans of £500 free of interest.†

Enough has been said to leave no doubt as to the remarkable change which has taken place in the situation between the time, in June, 1932, when the general idea of a National Film Institute was first proposed by the Educational Commission and *strongly opposed by the film trade*, and the time, in September, 1933, when the constitution of the "British Film Institute" was registered *amidst the warm applause of the film trade*.‡ Is it any wonder that certain leading men in the industry, who were each of them strongly opposed to the original idea, have expressed their approval of the Institute in its present whittled-down form, as being (a) "a means of keeping quiet a group of educational busy-bodies who might otherwise be a nuisance"; (b) "now quite innocuous"; and (c) "a useful buffer for

* Mr. R. V. Crow. He was President of the C.E.A. in 1931-32.

† One from the Cinematograph Exhibitors' Association and the other from the Kinematograph Renters' Society. See *The Kinematograph Weekly*, October 26th, 1933, and *The Cinematograph Times* (the official organ of the C.E.A.), November 25th, 1933.

‡ Again, as in the case of the earlier opposition, with a few courageous exceptions.

absorbing some of the attacks on the trade " ?* Is it surprising that, of an official deputation of *nine*, purporting to represent equally the educational forces of the country and the film industry, who waited upon the Under-Secretary at the Home Office in the hope of securing his approval of the new Constitution for the Institution on which they had agreed, no fewer than *seven* were closely connected with the film trade, all except one of them in an official capacity ?† Or that, when the Postmaster-General, in November, 1933, regretted his inability to hand over to the " British Film Institute " the Film Library of the Empire Marketing Board which he had just taken into his own service, the film trade took no steps to conceal its paternal disappointment ?‡

* One of the film trade governors of the Institute, Mr. T. Ormiston, C.B.E., M.P., has himself confessed to a similar conversion. *The Cinematograph Times* reports him as having said, at a meeting of The General Council of The Cinematograph Exhibitors' Association (of which he is Honorary Treasurer), that, although in the early days of the Commission he had been opposed to their activities, *having regard to the fact that they would in no way interfere with purely trade matters or censorship*, he had changed his opinion.

† On February 9th, 1933. The nine who formed the Deputation were Mr. R. E. Richards, President of the Cinema Exhibitors' Association ; Mr. Sam Eckman, President of the Kinema Renters' Society ; Mr. T. Ormiston, M.P., Ex-President and Hon. Treasurer of the Cinema Exhibitors' Association ; Mr. Arthur Dent, Vice-President of the Kinema Renters' Society ; Mr. Simon Rowson, Managing Director of Ideal Films Ltd., and a Director of the Gaumont-British Picture Corporation ; Colonel John Buchan, M.P., a Director of the British Instructional Film Co. ; Mr. F. A. Hoare, Education Director of the Western Electric Company ; Sir Benjamin Gott ; and Mr. R. S. Lambert. See *Today's Cinema*, February 7th and 10th, 1933.

‡ E.g., in a letter of protest from the Film Group of the Federation of British Industries to the Board of Trade summarized in *The Times* of November 24th, 1933, and given great prominence in the film trade journals.

3. CLAIM TO GOVERNMENT SUPPORT.

It is stated in an official document recently issued by the "British Film Institute"* that, "it is neither set up nor controlled by the State, though its aims and constitution have been approved by the Board of Trade." A letter sent to the Press over the signature of its Chairman, the Duke of Sutherland,† also stated that "the constitution and aims of the Institute have been submitted to and approved by the Board of Trade." These statements—like those made regarding the support behind the Commission's report in June, 1932, examined on pages 15-17—may easily confuse the public; since all the Board of Trade has done is to issue a licence to the Institute under Section 18 of the Companies Act, 1929, similar to the licences it issues to many other companies; and, as the Controller of the Companies Department of the Board of Trade states in a letter dated December 29th, 1933,

"the grant of a licence under Section 18 of the Act to an Association within the scope of the section, does not in itself confer on a company so registered the right to claim or hold itself out to be in receipt of any Government recognition or authority for its acts." "The Board," he also writes in the same letter, "have not been called upon to approve the aims and constitution of the British Film Institute as such."

* "The British Film Institute : Its Aims and Objects."

† E.g., in *The Times*, Dec. 23rd, 1933.

Recent public references by the Film Group of the Federation of British Industries (who have appointed one of the Institute's governors) to the Institute's having been formed "with the full knowledge and consent of H.M. Government"* are equally confusing; since the Government has throughout refused to accept any responsibility in regard to the Institute.

4. PROPOSED WORK.

The "British Film Institute" has published in its official statement, and frequent references have been made both in articles and letters in the Press and in statements at conferences, to a list of *ten items of work* which it hopes to undertake. Nothing is easier for a new organisation, as you know, than to draw up and have printed an impressive summary of the work on which it hopes to engage; it is another matter for it to carry out that work satisfactorily. In this particular case, moreover, each of the ten items of activity mentioned can be shown, on analysis, to be either (a) something someone else or some other organisation is already efficiently performing,† or (b) something which the Institute, as now

* In a letter of protest to the Board of Trade, summarised in the press on November 24th, 1933. "The trade as such," says this revealing letter, as given in full in *To-day's Cinema* on November 24th, 1933, "holds no special brief for the recently-formed British Film Institute, but it should be pointed out that the Institute has been formed with the full knowledge and consent of H.M. Government."

† E.g., "To advise Government Departments concerned with films" (Item 8). The Government has already its own Cinema Officer, Mr. Foxen Cooper, for this express purpose.

constituted, is quite unfitted to perform.* In the light of what I have said regarding the control of the Institute, however, any such detailed analysis of its proposed work may well seem redundant, and I will not trouble you with it further here, save to say that I would readily furnish it if desired.

It should be added, however, that, neither in the official statement referred to nor in the Chairman's letter to the Press quoted above, was any reference made to any of the restrictive clauses or Articles of the Institute's registered Constitution detailed above, although they deal with matters in which large sections of the public, including many important organisations, are vitally concerned.

5. SOURCES OF REVENUE.

The Film trade, with its abundant resources, may at any time, of course, decide to set up and finance a department of its own to deal with certain educational matters‡—e.g., films for schools—and use it as a

* E.g., "*To establish a national repository of films of permanent value*" (Item 6). This is a task which would require the resources of some permanent museum, and is quite beyond those of a small semi-private body of doubtful permanence and with limited accommodation and staff.

Or "*To certify films as educational, cultural or scientific*" (Item 9). Certification is, of course, a form of censorship. If the Institute intends to apply this to *entertainment films*, it has already been ruled out by the clause in its Constitution discussed on pages 26–27 of this analysis. If it is to be applied to *class-room films*, it is, as was pointed out in the House of Lords on July 6, 1932, a proposal full of grave dangers. The Board of Education has never countenanced any kind of *certification of school books*; and, if it accepted a *certification of school films*, it would be encouraging a censorship by the Institute which teachers and the public could not tolerate, which would create a most dangerous precedent for the Board of Education itself, and which the makers of educational films would be compelled to reject in the interests of freedom of publication. Any such certification-censorship would be certain to increase, and might easily in time become a vested monetary interest.

‡ Or a section of the trade. One of the biggest producing companies has recently set up just such a department. It is to concentrate entirely on films for the class-room.

“useful buffer” to absorb attacks, and invite one or two educationalists who are interested in these matters and who do not mind being used as a buffer—even if they might object to being thus explicitly described—to advise them regarding it. But such a department of the trade, useful as it might be to the trade, would clearly have no claim on the Cinematograph or any other public Fund for its expenditure. That the trade itself is beginning to realise that the “British Film Institute” amounts to little more than this is shown by several recent statements made by both of its daily papers :

“As to the British Film Institute, *we don't really think it will interfere very much with anything at all.*”*

“So long as the Institute is able to disentangle itself from the suspicion of uplift, it has a chance to make headway and will muster support in the trade and out. But, *until it removes the stigma of wanting to attach any of the Sunday Opening charity money, it will have serious critics in the Street.* They are hard at it now, on the other hand, to grab their share from the Privy Council ; but, frankly, *I can't see them getting it.*”†

“What they” (the officials of the Institute) “are doing seems to me conceived on the most amateurish lines, and, frankly, reminds me very much of *a group of small boys setting out to amuse themselves.*”‡

While even the Secretary of the Institute, Mr. R. V. Crow, himself a member of the trade, has his doubts :

* *To-day's Cinema*, November 24th, 1933.

† *To-day's Cinema*, January 3rd, 1934.

‡ *The Daily Film Renter*, January 12th, 1934.

“ If we could get enough money from membership to carry on our work, we should prefer it to receiving a grant.”*

Meanwhile, the film trade has already advanced the Institute £1,000 free of interest (*see above*, page 31); and it has also received a number of “extraordinarily fine private donations” (*To-day's Cinema*, November 27th, 1933).

6. CONCLUSION.

The need for some kind of constructive policy in regard to the Cinema, for some influence other than commercial to make itself felt throughout the whole field of cinematography—and particularly in regard, not so much to the occasional educational film (which is normally quite unexceptionable), even less to the classroom film (which is mainly a domestic matter for teachers), as to the ordinary *entertainment or “feature” film*¶—this need remains. It is the need which has lain behind much valuable work by both individuals and groups during the last twenty years; which inspired the original, however defective, proposal for a National Film Institute; which caused many, both within Parliament and without, to welcome the establishment of the Cinematograph Fund; which made some of even the most critical observers of the original Institute idea hope, until the very last minute, that

* Interview in *To-day's Cinema*, January 3rd, 1934.

¶ This was clearly the intention of Parliament when setting up the Cinematograph Fund “for the purpose of encouraging the use and development of the cinematograph as *a means of entertainment and instruction*.” (*Parliamentary Debates*: Vol. 267, No. 122, Cols. 1,824–70.) Lord Hailsham put the Government's desire still more explicitly when he stated, in the House of Lords on July 7th, 1932, that the Fund was to be used “for the purpose of *the improvement of films and of the character of cinema entertainments*” (*Parliamentary Debates*—Vol. 85, No. 72, Col. 657).

it would at least succeed in preserving that "indisputable commercial disinterestedness" which its promoters had repeatedly laid down as indispensable.

This urgent need remains. It is to be deeply regretted that the promising opportunity which the creation of the Cinematograph Fund offered of meeting it, by setting up an adequately representative and independent organisation such as would have commanded general confidence, has been seriously mishandled in the ways I have indicated.

I venture to suggest, with all respect, my Lord President, as the matter is of wide public concern, that you and the Privy Council might wish to take into consideration the facts related in this letter when considering the administration of the Fund.

I am, My Lord President,

Your obedient servant,

WALTER ASHLEY.

The Shaws,
Essendon.

January 22nd, 1934.

APPENDICES

APPENDIX A.

THE CLAUSE IN THE MEMORANDUM OF ASSOCIATION OF
“ THE BRITISH FILM INSTITUTE ” TO WHICH REFERENCE
IS MADE ON PAGES 24-27 IN THE TEXT.

SECTION III—PARAGRAPH 4.

“ Provided further that the Institute shall neither seek to control nor attempt to interfere with purely trade matters in the Film Industry or with the censorship of films for public entertainment. If three or more members of the Council or Governing Body of the Institute are not satisfied that, in a particular instance, this principle is being observed, such members of the Council shall be at liberty to refer the matter to the determination of a single arbitrator to be agreed between the parties or in case of dispute to be nominated by the President of the Law Society and such reference shall be deemed to be a reference to arbitration within the meaning of the Arbitration Act, 1889, or any statutory modification thereof.”

APPENDIX B.

ARTICLES OF ASSOCIATION OF "THE BRITISH FILM INSTITUTE" TO WHICH REFERENCE IS MADE ON PAGES 24-31 IN THE TEXT.

V.—OFFICERS.

"ART. 19. There shall be the following officers of the Institute, namely :—A Council consisting of not more than 10 Members, who shall be designated as 'Governors,' a General Manager, and a Secretary."

VI.—COUNCIL.

"ART. 20. The first Members of the Council shall be nominated as follows :—One each by the Cinematograph Exhibitors' Association, the Kinematograph Renters' Society and the Federation of British Industries and three by the Commission on Educational and Cultural Films and such six Members of the Council shall forthwith co-opt three other persons to represent public interests, and such nine persons shall co-opt a Chairman of the Council from outside their number. Every Member of the Council must be of British nationality, and must be a Member of the Institute or become a Member thereof within 21 days of his nomination, co-optation or election. If any member of the Council shall cease

to be of British nationality or shall cease for any cause to be a Member of the Institute or shall (not being already a Member) fail to become a Member of the Institute within the said period of 21 days he shall *ipso facto* cease to be a Member of the Council.”

“ ART. 21. The Members of the Council nominated by the Cinematograph Exhibitors’ Association, the Kinematograph Renters’ Society, the Federation of British Industries and the Commission on Educational and Cultural Films respectively shall retain office for such period as those bodies respectively shall determine, but any such Member of the Council may at any time be removed from office by direction in writing of the body appointing him whereupon he shall cease to be a Member of the Council, and such body may nominate another person as a Member of the Council in his place. If and when the functions of the said Commission shall cease, the three members of the Council nominated by that body shall thereupon be deemed to have been appointed by the Royal Society of Teachers, the Association of Education Committees and the British Institute of Adult Education respectively and such Society, Association and Institute thenceforth shall have respectively the same rights of removing from office the person so deemed to have been appointed by each of them and of nominating another person in his place as are before conferred upon the said Commission. The individual Members to be deemed to have been appointed by the said Society, Association and Institute respectively shall be determined by the Council. The co-opted Members shall retire at the Ordinary General Meeting, to be held in the year 1934, and (save as regards the Chairman) their successors shall be elected at that meeting and annually at each succeeding Ordinary General Meeting. A retiring Member shall be eligible for re-appointment. The Members of the Council to

be appointed annually as aforesaid shall be appointed to represent public interests.”

“ ART. 25. At the first Meeting of the Council after each Ordinary General Meeting, the Members of the Council then present shall choose some person outside their number as Chairman for the year following such choice, and until his successor is appointed, and any vacancy in such office may be filled up for the current year in like manner at a Meeting of Council to be held immediately after the occurrence of such vacancy, of which Meeting special notice shall be given to all the Members of the Council.”

“ ART. 26. Casual vacancies in the Council (other than the Chairman and the Members nominated by the bodies aforesaid hereinafter referred to as the “ Nominating Bodies ”) may from time to time be filled up by the Institute in General Meeting, but the Members of the Council may act and exercise all their powers notwithstanding that there is or are any vacancy or vacancies not for the time being filled up.”

“ ART. 27. The Institute may by Ordinary Resolution at any General Meeting, of which due notice specifying the object has been given, remove a Member of the Council (other than the Chairman or a Member appointed by one of the Nominating Bodies) from his office after fourteen days' previous notice of such General Meeting has been given to such Member, and thereupon he shall cease to be a Member of the Council. The Institute may by Ordinary Resolution appoint another duly qualified person to be a Member of the Council in his stead.”

“ ART. 29. At every Ordinary General Meeting, the Members of the Council, other than the Members appointed by the Nominating Bodies, shall retire from office, and the meeting may re-elect them or elect other

Members to supply their places. The Chairman, however, shall not be elected by the Members of the Institute, but by the Council as duly constituted at a meeting immediately following the Ordinary General Meeting of the Institute."

XVII.—PROCEEDINGS AT GENERAL MEETINGS.

"ART. 74. At all meetings of the Institute the Chairman of the Council for the time being shall be Chairman, and in his absence the Chairman shall be one of the Council elected by the Members of Council present. In case none of the Council shall be present or willing to take the Chair, the Chairman shall be elected from among the Members present."

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